

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Frantzy Clement	Team: Squad #2	CCRB Case #: 201510607	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/09/2015 3:40 PM	Location of Incident: West 31st Street between Mermaid Avenue and Neptune Street	Precinct: 60	18 Mo. SOL 6/9/2017	EO SOL 6/9/2017	
Date/Time CV Reported Wed, 12/09/2015 4:10 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/16/2015 11:17 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Darnell Forrester	24294	950431	PSA 1
2. SGT Miguel Figueroa	03780	939822	PSA 1

Officer(s)	Allegation	Investigator Recommendation
A.POM Darnell Forrester	Abuse: PO Darnell Forrester stopped the vehicle in which § 87(2)(b) was an occupant.	
B.SGT Miguel Figueroa	Abuse: Sgt. Miguel Figueroa stopped the vehicle in which § 87(2)(b) was an occupant.	
C.SGT Miguel Figueroa	Abuse: Sgt. Miguel Figueroa searched the vehicle in which § 87(2)(b) was an occupant.	
D.POM Darnell Forrester	Abuse: PO Darnell Forrester refused to provide his shield number to § 87(2)(b)	
E.POM Darnell Forrester	Abuse: PO Darnell Forrester threatened to issue a summons to § 87(2)(b)	

### Case Summary

On December 9, 2015, at approximately 3:40 p.m., § 87(2)(b) turned onto West 31<sup>st</sup> Street from Mermaid Avenue in Brooklyn when he was pulled over by PO Darnell Forrester and Sgt. Miguel Figueroa of Police Service Area 1 after they observed dark tints on his car windows (**Allegation A and B**). PO Forrester approached the driver's side window and asked § 87(2)(b) for his license and registration, which he provided. PO Forrester allegedly asked § 87(2)(b) to step out of the vehicle and Sgt. Figueroa allegedly searched the front and rear of the car (**Allegation C**). After Sgt. Figueroa finished his alleged search of the car, § 87(2)(b) asked PO Forrester for a badge number. PO Forrester replied, "If we give you a badge number, we'll have to give you a ticket," (**Allegations D and E**). § 87(2)(b) was not issued a summons or placed under arrest (encl. Board Review 01-03).

### Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation for this case, § 87(2)(b) stated that he intended to file a lawsuit for this incident. A request for confirmation has been sent to the Comptroller's Office of the City of New York and will be added to the case file upon receipt (encl. Board Review 04). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) (encl. Board Review 06).
- PO Forrester has been a member of the NYPD for four years, and has nine prior CCRB allegations involving five cases with one substantiated CCRB allegation. § 87(2)(g) (encl. Board Review 07).
  - In CCRB case number 201501935, PO Forrester conducted an unlawful stop and received command discipline A.
- Sgt. Figueroa has been a member of the NYPD for nine years, and has twelve prior CCRB allegations involving six cases with one substantiated CCRB allegation. § 87(2)(g) (encl. Board Review 08).
  - In CCRB case number 201202321, Sgt. Figueroa conducted an unlawful stop and received charges.

### Findings and Recommendations

#### Explanation of Subject Officer Identification

PO Forrester and Sgt. Figueroa acknowledged stopping § 87(2)(b)'s vehicle and being the only officers present at the scene. § 87(2)(g) described the subject officer who searched his vehicle as a white/Hispanic male, 5'6 tall, in his early 50's. Sgt. Figueroa matches the physical description of the officer who searched the vehicle. § 87(2)(g) described the subject officer who refused to provide a shield number and threatened him with a summons as a black male, 6'5 tall, in his early 50's. PO Forrester matches the physical

description provided by § 87(2)(b) § 87(2)(g)

**Allegation A – Abuse of Authority: PO Darnell Forrester stopped the vehicle in which**

§ 87(2)(b) **was an occupant**

**Allegation B - Abuse of Authority: Sgt. Miguel Figueroa stopped the vehicle in which**

§ 87(2)(b) **was an occupant.**

It is undisputed that § 87(2)(b)'s vehicle was stopped by PO Forrester and Sgt. Figueroa on West 31<sup>st</sup> Street between Mermaid Avenue and Neptune Street in Brooklyn. PO Forrester and Sgt. Figueroa both stated that they observed tinted windows on § 87(2)(b)'s vehicle and stopped the vehicle for that reason (encl. Board Review 09-10). § 87(2)(b) acknowledged that his vehicle's windows were tinted but stated that he resides in Florida and was unaware that drivers in New York could be ticketed for excessive tinted windows.

Section 375-12a (b) of the Vehicle and Traffic Law 9 states that no person shall operate any motor vehicle upon any public highway, road or street; (1) the front windshield of which is composed of, covered by or treated with any material which has a light transmittance of less than seventy percent unless such materials are limited to the uppermost six inches of the windshield; or (2) the sidewings or side windows of which on either side forward of or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than seventy percent" (encl. Board Review 11).

§ 87(2)(g)

**Allegation C - Abuse of Authority: Sgt. Miguel Figueroa searched the vehicle in which**

§ 87(2)(b) **was an occupant.**

**Allegation D - Abuse of Authority: PO Darnell Forrester refused to provide his shield number to § 87(2)(b)**

**Allegation E - Abuse of Authority: PO Darnell Forrester threatened to issue a summons to**

§ 87(2)(b)

§ 87(2)(b) alleged that Sgt. Figueroa entered his vehicle and searched the front and rear section of the car without his consent. § 87(2)(b) stated that he asked PO Forrester for a shield number and alleged that PO Forrester declined to provide his shield number upon request and specifically said, "If we give you a badge number, we'll have to give you a ticket."

PO Forrester and Sgt. Figueroa denied searching § 87(2)(b)'s vehicle at any point during the incident. PO Forrester stated that § 87(2)(b) opened the driver's side door when he exited the vehicle to complain to the officers about the stop. PO Forrester stated that § 87(2)(b) never requested a badge number while he was on the scene. PO Forrester explained that he either displays his badge around his neck or clips it to his belt. PO Forrester denied threatening § 87(2)(b) with a ticket or saying, "If we give you a badge number, we'll have to give you a ticket." PO Forrester stated that he never heard § 87(2)(b) make a request to see his badge number. Sgt. Figueroa did not hear PO Forrester's entire conversation with § 87(2)(b) but stated that he never heard PO Forrester threaten § 87(2)(b) with a summons.

Both officers stated that they never threatened § 87(2)(b) with a summons and did not issue § 87(2)(b) a summons because they left the scene to respond to a request for backup by other members of their Anti-Crime unit.

§ 87(2)(g)  
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Squad: 2

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date